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17
18 UNITED STATES DISTRICT COURT

19 DISTRICT OF NEVADA

20 Cung Le, Nathan Quarry, Jon Fitch, Brandon
21 Vera, Luis Javier Vazquez, and Kyle
22 Kingsbury on behalf of themselves and all
others similarly situated,

23 Plaintiffs,

24 v.

25 Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

26 Defendant.
27
28

Case No.: 2:15-cv-01045-RFB-BNW

**JOINT MOTION TO
CONDITIONALLY FILE UNDER
SEAL PLAINTIFFS'
OBJECTIONS TO DEFENDANT
ZUFFA, LLC'S PROPOSAL TO
INTRODUCE CERTAIN
PURPORTED "SUMMARY
EXHIBITS" AT THE HEARING
CONCERNING PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION AND RELATED
MATERIALS**

1 On June 14, 2019, Plaintiffs filed their Objections to Defendant Zuffa, LLC's Proposal to
2 Introduce Certain Purported "Summary Exhibits" at the Hearing Concerning Plaintiffs' Motion
3 for Class Certification (ECF No. 658) ("Plaintiffs' Objections"). Zuffa, LLC ("Zuffa") has filed
4 its Motion to Seal Exhibits and Protected Materials at the Evidentiary Hearing on Class
5 Certification (ECF No. 665) ("Motion to Seal"), which proposes to seal certain exhibits, including
6 but not limited to certain summary exhibits discussed in Plaintiffs' Objections at the upcoming
7 hearing. Plaintiffs and Zuffa (jointly, the "Parties") submit this Joint Motion to reduce the burden
8 on the Court and avoid unnecessary briefing and motion practice.

9 The Parties disagree as to whether the Disputed Materials should remain under seal at the
10 upcoming hearing. However, the briefing they have already filed and the briefing they intend to
11 file regarding sealing issues pursuant to their proposed briefing schedule, ECF No. 662, directly
12 address this dispute. The Parties expect that the Court's decision on how to treat exhibits and
13 protected materials at the evidentiary hearing will resolve the disagreement regarding whether the
14 Disputed Materials at issue in Plaintiffs' Objections should remain under seal.¹ Therefore, solely
15 for the limited reason that the Disputed Materials, as they currently stand, are still designated
16 Confidential, Plaintiffs do not oppose Zuffa's request in this joint motion that the Disputed
17 Materials remain under seal, in accordance with the Protective Order, until the Court has ruled on
18 Zuffa's Motion to Seal and determined what protected material is properly sealed during the
19 evidentiary hearing. Plaintiffs continue to reserve their right to challenge Zuffa's confidentiality
20 designations pursuant to Section 6.1 of the Protective Order, ECF No. 217.

21 Zuffa and Plaintiffs have stated each of their positions at length in their respective briefing
22 regarding the treatment of confidential and protected material at the evidentiary hearing in the
23 Sealing Proposals filed in January, ECF Nos. 631, 632, 639, 645, Zuffa's Motion to Seal, and in
24 other briefing on motions to seal. The Parties do not seek to re-litigate this issue for the purposes
25 of these filings. Having met and conferred on this issue, the Parties jointly move to file the
26 Disputed Materials in Plaintiffs' Objections conditionally under seal, pending the Court's ruling

27 ¹ All Exhibits referenced in this Joint Motion are exhibits to the Declaration of Patrick F. Madden,
28 ECF No. 658-1.

on Zuffa's Motion to Seal. Should the Court determine that any of the materials under seal should not be sealed, the relevant party will re-file any such materials on the public docket at that time.

In total, Plaintiffs lodged 12 exhibits under seal, four of which were previously filed under seal as part of Zuffa's opposition to class certification. Table A identifies each exhibit lodged under seal and lists Zuffa's sealing position with respect to each exhibit and whether Zuffa believes the exhibit should be redacted or made public in its entirety. If applicable, Table A also lists the corresponding exhibit of the attached Declaration of Stacey K. Grigsby in Support of this Joint Motion that contains the redacted or public version of each document.

Table A: Exhibits Lodged Under Seal in Plaintiffs' Objections and Zuffa's Positions on Each

Exhibit	Exhibit List No. ²	Exhibit Name	Zuffa's Sealing Position	Grigsby Decl.
7	ZCCX296	Zuffa Summary Exhibit No. 1	Public	Ex. A
8	ZCCX301	Zuffa Summary Exhibit No. 2	Sealed	
9	ZCCX302	Zuffa Summary Exhibit No. 3	Redacted	Ex. B
10	ZCCX305	Zuffa Summary Exhibit No. 6	Public	Ex. C
11	ZCCX306	Zuffa Summary Exhibit No. 7	Public	Ex. D
12	ZCCX297	Zuffa Summary Exhibit No. 10	Sealed	
13	ZCCX298	Zuffa Summary Exhibit No. 11	Redacted	Ex. E
14	ZCCX299	Zuffa Summary Exhibit No. 12	Sealed	
15	ZCCX211	Ex. 87 to Zuffa's Class Cert. Opp.	Sealed ³	
16	ZCCX212	Ex. 88 to Zuffa's Class Cert. Opp.	Sealed	
17	ZCCS213	Ex. 89 to Zuffa's Class Cert. Opp.	Sealed	
18	ZCCX214	Ex. 92 to Zuffa's Class Cert. Opp.	Redacted (<i>See</i> ECF No. 540-96) ⁴	

² These Exhibit List Numbers refer to exhibit list numbers from the "Parties' Combined List of Joint, Plaintiff, and Zuffa Exhibits", ECF No. 662-2.

³ In addition to the reasons provided in the Motion to Seal, Zuffa justified sealing Exhibits 15 through 18 to the Madden Declaration in a motion to seal Zuffa's opposition to class certification and related materials. ECF Nos. 541. Plaintiffs filed a statement of non-opposition to Zuffa's motion to seal these documents. ECF No. 543.

⁴ Plaintiffs filed Ex. 92 to Zuffa's Class Cert. Opposition under seal in its entirety in attaching it to their Objections. ECF No. 658-20. However, Ex. 92 was filed in redacted form when attached to Zuffa's Class Cert. Opposition. ECF No. 540-96. Zuffa does not seek to alter the redactions as they exist in the version currently on the docket at ECF No. 540-96. Grigsby Decl. ¶3.

Finally, as Plaintiffs' Objections brief does not contain any material that meets the sealing criteria provided in Zuffa's Motion to Seal, Zuffa is filing an unredacted version of that brief publicly. Grigsby Decl. Ex. F.

Dated: June 19, 2019

Dated: June 19, 2019

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By: /s/ Stacey K. Grigsby

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ATTESTATION OF FILER

The signatories to this document are myself and Kevin Rayhill, and I have obtained Mr. Rayhill's concurrence to file this document on his behalf.

Dated: June 19, 2019

/s/ Stacey K. Grigsby

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Joint Motion to Seal Plaintiffs' Objections to Defendant Zuffa, LLC's Proposal to Introduce Certain Purported "Summary Exhibits" at the Hearing Concerning Plaintiffs' Motion for Class Certification was served on June 19, 2019 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ Roderick Crawford
Roderick Crawford